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2528 MAPLE STREET (COMPLETE APPLICATION)  
DE410957 - ZONE C-3A

MBR/BM/AH/LH

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**DEVELOPMENT PERMIT STAFF COMMITTEE MEMBERS**

**Present:**

B. Boons (Chair), Development Services  
S. Brodie, Engineering Services  
L. Gayman, Real Estate Services  
C. Tapp, Social Planning  
T. Driessen, Park Board

**Also Present:**

M. Rondeau, Urban Design & Development Planning  
B. Mah, Development Services  
A. Higginson, Development Services  
C. Edwards, Engineering Services

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**APPLICANT:**

Nigel Baldwin Architect  
1447 Hornby Street  
Vancouver, BC  
V6Z 1W8

**PROPERTY OWNER:**

Bastion Development Corp.  
500-1681 Chestnut Street  
Vancouver, BC  
V6J 4M6

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**EXECUTIVE SUMMARY**

- **Proposal:** To develop this site with a seven-storey mixed-use Retail/Residential building, containing 74 dwelling units over two levels of underground parking.
- **Purpose of this report:** The Board is asked to consider a relaxation of the minimum rear yard requirements and a discretionary height increase, which have only just come to light.

See Appendix A Standard Notes

Appendix B Plan Showing Rear Yard Comparison

Appendix C View Diagrams

Appendix D Shadow Diagrams

- **Issues:** No Significant issues
- **Urban Design Panel:** Support

**DEVELOPMENT PERMIT STAFF COMMITTEE RECOMMENDATION: APPROVE**

THAT further to the Board's APPROVAL of Development Application No. DE410957, granted March 26, 2007, the Board APPROVE the requested discretionary increase in height and the requested rear yard relaxation described in this report, subject to the following condition:

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1.0 Prior to the issuance of the development permit, revised drawings and information shall be submitted to the satisfaction of the Director of Planning, clearly indicating:

1.1 design development to the amenity building to improve the privacy interface at the lane by raising the south facing windows to 5 ft. height above the floor level and by noting these windows as non-operable.

**Note to Applicant:** Operable windows can be provided on any of the three remaining facades.

2.0 That the Notes to Applicant set out in Appendix A be approved by the Board.

• **Technical Analysis:**

	PERMITTED (MAXIMUM)	REQUIRED	APPROVED BY DP BOARD (March 26,2007)	PROPOSED
Site Size	-	-	200 ft. x 125 ft. (nominal)	200 ft. x 125 ft. (nominal)
Site Area	-	-	25,042 sq. ft. (survey)	25,042 sq. ft. (survey)
Height <sup>1</sup>	Outright 30.2 ft. Conditional discretionary	-	Top of Main Parapet Wall 73.6 ft. Top of Guardrail 75.3 ft.	Top of Main Parapet Wall 75.6 ft. Top of Guardrail 77.3 ft.
Rear Yard <sup>2</sup>	-	Resid. Uses 15 ft.	-	Amenity Room 2.9 ft.
Amenity <sup>3</sup>	10,764 sq. ft. (max.)	-	776 sq. ft.	738 sq. ft.

<sup>1</sup>Note on Height: Pursuant to Section 4.3.2 of the C-3A District Schedule, the Development Permit Board may permit an increase in the building height beyond 30 ft., to an unspecified maximum. The Guidelines suggest a maximum of 70 ft. Staff support this minor increase to height (see commentary on page 6).

<sup>2</sup>Note on Rear Yard: Pursuant to Section 4.6.2 of the C-3A District Schedule, a building containing residential uses shall be set back a minimum of 15 ft. from the rear property line. The applicant is seeking a relaxation of the rear yard and setback. This provision requires a relaxation by the Development Permit Board. Staff support the use of Section 3.2.4. of the Zoning and Development By-Law in this instance (see commentary on page 6).

<sup>3</sup>Note on Amenity: Staff support this reduction in floor area of the amenity room noting that the room still functions well as a strata meeting room as well as a multi-purpose room within the area.

• **Guideline Analysis - Central Broadway C-3A Urban Design Guidelines:**

	PERMITTED (MAXIMUM)	APPROVED BY DP BOARD (March 26,2007)	PROPOSED
Section 3.2 <i>Streetwall Height</i>	Suggested 70 ft. on Broadway over 75% of the width of the site with the remainder of the site at 30 ft. height.	“The height is 70 ft. at the lane which results in approximately 74 ft. at Broadway due to site slope. The lower portion of the building is 31 ft. in height. Staff support both of these minor variations to height...  The width of the higher massing is 150 ft. at the Broadway frontage which meets the intent of the 75% upper massing width.”	Review of the impacts to view and shadow for an additional 2ft. of height suggest that these are negligible and therefore staff support this minor increase.

• **Legal Description**

Lot: Parcel 1  
Block: 346  
Plan: LMP30636  
District Lot: 526

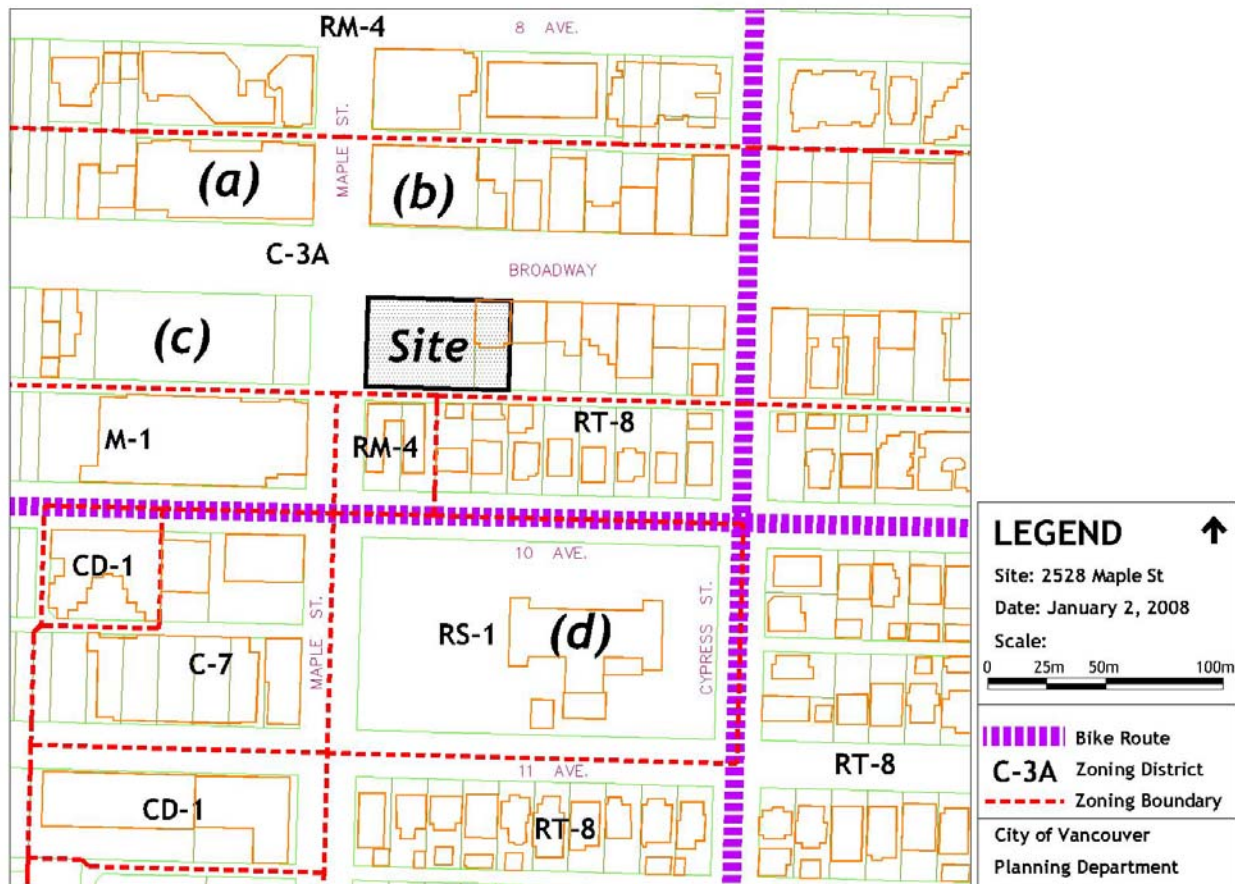
• **History of Application:**

06 12 18 Complete DE submitted  
07 02 12 Urban Design Panel  
07 03 14 Development Permit Staff Committee  
07 03 26 Development Permit Board

• **Site:** The site is located at the southeast corner of Broadway and Maple Street. The site slopes down approximately 4 ft. from the lane to Broadway and approximately 3 ft. down from the Maple Street corner to the east property line.

• **Context:** Significant adjacent development includes:

- (a) 2025 West Broadway, Office Building - 5 storeys
- (b) 1985 West Broadway, "Wawenesa" Office building - 5 storeys
- (c) 2002-2020 West Broadway - IGA/BCLC Liquor Store site
- (d) 1936 West 10<sup>th</sup> Avenue - Tennyson Elementary School



● **Background:** On March 26, 2007, the Development Permit Board approved development application DE410957, thereby permitting the development of a seven-storey mixed-use Retail/Residential building, containing 74 dwelling units, over two levels of underground parking, subject to several conditions.

The applicant submitted their response to the conditions in June, 2007. When staff completed their review of the submission, two issues were identified which have led to this project returning to the Board for further consideration.

The issues relate to building height and to the location of the project's "amenity building" within the required rear yard setback. Both are discussed further below.

● **Applicable By-laws and Guidelines:**

1. C-3A District Schedule
2. Central Broadway C-3A Urban Design Guidelines

Height: The outright height specified in the C-3A District Schedule is 30 ft. The Development Permit Board may permit an increase in height to an unspecified maximum. The Central Broadway C-3A Urban Design Guidelines suggest a height of 70 ft. in the Central Broadway sub-area.

Rear Yard: Section 4.6.2 of the C-3A District Schedule requires a minimum setback from the rear property line 25 ft. (7.6 m), measured from the centre line of the lane (i.e. 15 ft. from the rear property line), to any residential component of the building. The proposed amenity building, which is located separate from the main building, constitutes a "residential use" which therefore also requires a 15 ft. setback from the rear property line.

Section 3.2.4 of the Zoning and Development By-Law further states as follows:

*3.2.4 The Development Permit Board, in the exercise of its jurisdiction, may relax the provisions of this By-law in any case where literal enforcement would result in unnecessary hardship. In granting any relaxation, the Board shall have regard to the intent of this By-law, the regulations and policies of any Official Development Plan, and such other applicable policies and guidelines adopted by Council.*

● **March 2007 Board Approval:**

Height: As stated in the March 2007 Staff Committee report to the Board:

*" the proposed building height is 70 ft. at the rear lane and approximately 74 ft. on Broadway, due to the slope of the site. This minor increase beyond 70 ft. still meets the intent of the Guidelines, given that it does not significantly impact private views from the south nor does it increase shadowing on the street because of the setback of the upper floors along the Broadway frontage."*

Rear Yard: As indicated on the plans presented to the Board an amenity building was shown on the second level podium roof, adjacent to the shared outdoor amenity space, setback 7 ft. from the rear property line (see dashed outline on Appendix B). Staff recommended that the amenity building be relocated to the east side of the building, to increase the amount of outdoor amenity space and also to improve the daylight access for the adjacent residential units.

Although the Board supported staff's recommendation to increase the size of the outdoor amenity space, it was not prescriptive in requiring that the amenity building be moved to accomplish that. The Board asked that the applicant consider that as one option, in addressing the general condition.

**Applicant's Response to Prior-to Conditions:**

Height: The height was calculated correctly by staff to the top-of-parapet shown on the drawing elevations. The architect recently advised of an error with one of the elevation dimensions. On the elevation sheets, the difference in height between the underside of the highest roof and the parapet level was noted as only 8 in., when in actuality, it is 2 ft. 8 in. This led to the calculation of building height at 70 ft./74 ft., described above, rather than 72 ft./76 ft. The drawings, shadow analysis, view analysis and model displayed to the Development Permit Board in March 2007 showed the building scaled to the higher 72 ft./76 ft. height rather than the top-of-parapet dimension shown on the elevations. The applicant seeks the Board's approval of this building height.

Rear Yard: In responding to the Board's condition that the outdoor amenity space be enlarged, the applicant chose to retain the amenity building in nearly the same location as originally planned. The amenity building is proposed to be slightly smaller in area (738 sq. ft. vs 776 sq. ft.) and to be located approximately 3 ft. from the rear property line. (See plan view on Appendix B) A relaxation of the rear yard requirement is requested under Section 3.2.4 of the By-law.

**Staff's Analysis:**

Height: Staff have reviewed this increase in height and have concluded that there are no appreciable impact on either views and shadowing (See Appendices C and D), and that the proposed building height continues to meet the intent of the Guidelines. Staff have concluded that this building will fit well within the context of Central Broadway with the additional 2 ft. in building height and support the request for the Board's approval of this height.

Rear Yard: The intent of the rear yard and setback as stated in the Guidelines is to provide visual privacy to the existing residential community backing onto the C-3A zone along Broadway. The amenity building does not require outlook onto the lane and staff recommend that the windows which have been shown in the south façade of the amenity building overlooking the lane be raised to 5 ft. height above the floor level to reduce any privacy conflicts. In addition, to minimize noise conflicts, staff request a notation be added to the drawings that these windows facing the lane will be non-operable. (Condition 1.1)

In this case, the rear yard setback intended for residential units is not directly applicable to the amenity building which does not have the same livability requirements as a residential unit and therefore, a hardship is created to comply with rear yard requirements. Staff support the requested rear yard relaxation.

- **Conclusion:** Staff support the minor adjustments to the form of development approved by the Development Permit Board in March of 2007, as described in this report, and recommend approval of the requested increase in height and relaxation of rear yard.

**URBAN DESIGN PANEL**

The Urban Design Panel reviewed this application on February 14, 2007. Excerpts from the minutes related to the specific issues of height and the amenity building are noted below:

**EVALUATION: SUPPORT (8-0)**

"The Panel agreed that the massing was appropriate with the project earning its density and height and they also agreed that the building didn't need to be set back on the upper floors. The Panel liked the amenity space as a separate building noting that it was unique. One member of the Panel suggested greening the blank wall of the amenity space to soften the concrete."

## NOTIFICATION

On November 21, 2007, letters were sent to 731 neighbouring property owners advising them of the request for a discretionary height increase and rear yard relaxation. To date, seven responses have been received. Six responses are from individual property owners, and the other is written on behalf of the Kitsilano-Arbutus Residents Association.

Six of the seven respondents oppose the request for the discretionary height increase. All respondents are opposed to the requested rear yard relaxation. Reasons given for objecting are summarized as follows:

### Height:

- The Guideline height of 70 ft. does not have neighbourhood support;
- Increases above 70 ft. would create a precedent for other developments in the area; and
- The floor-to-floor heights are generous and should be reduced so that the overall height is no greater than 70 ft.

### Rear Yard:

- The proximity to the lane will compromise the livability of those already living along the lane, due to the noise that will be generated.

**Staff Response:** As noted in the Analysis section of this report, staff support the minimal increase beyond the 70 ft. height guideline on the basis that it will not have a negative impact with respect to views or shadowing and that the building will fit well into the Central Broadway context. With respect to the rear yard relaxation, staff have analysed the request and have concluded that the design development suggested in Condition 1.1 will mitigate the potential for affects on neighbouring properties across the lane.

**DEVELOPMENT PERMIT STAFF COMMITTEE COMMENTS:**

The Staff Committee has considered the approval sought by this application and concluded that with respect to the Zoning and Development By-law it requires decisions by the Development Permit Board.

With respect to the decision by the Development Permit Board the application requires the Board to exercise discretionary as delegated by Council, with respect to the requested increase in height.

It also requires the Board to consider a By-law relaxation of Section 4.6.2 of the By-law with respect to the rear yard regulation.

The Staff Committee supports both the discretionary height increase and the requested relaxation of the rear yard regulation, as discussed in this report.

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B. Boons  
Chair, Development Permit Staff Committee

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M. Rondeau, MAIBC  
Development Planner

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B. Mah  
Project Coordinator

Project Facilitator: A. Higginson



**Standard Notes to Applicant:**

- A.1.1 It should be noted that if condition 1.0 has not been complied with on or before **March 14, 2008**, this Development Application shall be deemed to be refused, unless the date for compliance is first extended by the Director of Planning.
- A.1.2 This approval is subject to any change in the Official Development Plan and the Zoning and Development Bylaw or other regulations affecting the development that occurs before the permit is issuable. No permit that contravenes the bylaw or regulations can be issued.
- A.1.3 Revised drawings will not be accepted unless they fulfill all conditions noted above. Further, written explanation describing point-by-point how conditions have been met, must accompany revised drawings. An appointment should be made with the Project Facilitator when the revised drawings are ready for submission.
- A.1.4 A new development application will be required for any significant changes other than those required by the above-noted conditions.